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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,821	01/24/2001	Maximilian Angel	51162	2188

26474 7590 08/24/2006

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EXAMINER

KANTAMNENI, SHOBHA

ART UNIT PAPER NUMBER

1617

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/767,821

Applicant(s)

ANGEL ET AL.

Examiner

Shobha Kantamneni

Art Unit

1617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

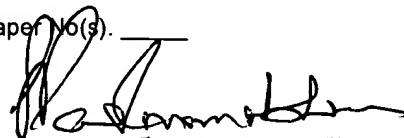
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: NONE.
Claim(s) objected to: _____.
Claim(s) rejected: 1-3, 10 and 18-21.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see page 2.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) _____.
13. ☐ Other: _____.



**SREENI PADMANABHAN
SUPERVISORY PATENT EXAMINER**

Continuation of 11 The rejection of claims under 35 U.S.C. 103(a) is MAINTAINED.

Applicant's arguments with respect to the rejection of claims 1-3, 10, and 18-21 under 35 U.S.C. 103(a) as being unpatentable over GB 922,457, in view of Wu et al. have been considered, but not found persuasive as discussed in the Final Office action and those found below.

Applicant argues that "the homopolymerization of vinylpyrrolidone which is addressed in the disclosure of Wu et al. is not similar, or analogous, to the graft copolymerization which is addressed in the teaching of GB 922,459". This argument has been considered, but not found persuasive because Wu et al. reference was used to show that free radical initiator can be added as a solution in liquid polyethylene glycol, or PEG for making polymers. Further, contrary to Applicant's remarks, GB 922, 459, and Wu et al. references are analogous art which are directed to polymer synthesis.

Applicant argues that "In combination with the solid polyalkylene glycols which are used as starting materials in the process of GB 922,457 the liquid polyethylene glycols do not provide a "more labile hydrogen atom". In the reaction mixture of the process disclosed in GB 922,457, the liquid, low-molecular weight polyethylene glycols are, therefore not capable of acting as a chain transfer agent." This argument has been considered, but not found persuasive. '457 teaches that the grafting of the monomers along the polyalkylene glycol chains is induced by means of a radical-forming reaction chain transfer mechanism, and also teaches that to improve probability of transfer, it is preferred to polymerize in homogeneous phase in the absence of additional solvents. See page 2, left column, lines 16-24. "457 on page 3 provides example of a graft copolymer obtained by polymerizing 90 parts by weight of vinyl acetate, 10 parts by weight of liquid polyethylene glycol molecular weight 400, and a free radical initiator, dibenzoyl peroxide. EXAMPLE 2, '457, discloses a process for preparing a graft polymer comprising heating a solution of vinyl acetate, polyethylene glycol, molecular weight about 2,500, and a free radical initiator, dibenzoyl peroxide. Thus, '457 teaches that liquid and solid polyethylene glycol function as a chain transfer agents because both produce graft copolymers. Thus, there is clear motivation to employ free radical initiator as a solution in liquid polyethylene glycols with the expectation of obtaining a homogenous phase in the absence of additional solvents, and thus better control on the polymer architecture..